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206 The present rates for direct connections are :—

	Rs.
Within a radius of 3 miles of the exchange	300 per annum.
For each additional half mile or fraction thereof	40 ,, ,,
An extension in the same building costs	120 ,, ,,

XII.—PUBLIC WORKS

653 Public Works in Aden are managed by the Aden Port Trust who maintain a separate staff for this Department. For this service the Port Trust are paid the actual expenditure of this department plus 7½ per cent. for office accommodation, and other incidental expenses.

Works in connection with roads, the development of the water supply and the electricity supply are carried out by the Aden Settlement.

The harbour and wharves are under the control of the Aden Port Trust.

XIII.—JUSTICE, POLICE AND PRISONS

Justice and Crime

692 The Colony has a Supreme Court with unlimited civil and criminal
695 jurisdiction. An appeal lies from the Supreme Court to the High
681 Court of Judicature at Bombay—

(*a*) in civil cases—

(i) from any final judgment where the value of the subject matter in dispute in appeal is Rs. 5,000 or upwards,

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted ; and

(*b*) in criminal cases, from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs. 500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not, is deemed to have been lodged and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council—

(*a*) as of right, from any final judgment of the High Court, when the value of the subject-matter in dispute in such second

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appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court, the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Chief Justice. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Courts in the Colony are:—

(1) The Court of the Registrar, and

(2) The Court of Small Causes.

The Registrar of the Supreme Court is the Judge of both these Courts.

The jurisdiction of the Court of the Registrar extends to all original suits wherein the value of the claim does not exceed Rs. 1,000; but certain suits of a prescribed nature are excluded from the jurisdiction of the Court, e.g.—

Suits concerning acts or orders done or made by officers of Government in their official capacity;

Suits for specific performance or rescission of a contract, rectification or cancellation of an instrument, or an injunction;

Suits relating to a trust;

Suits upon foreign judgments;

Suits for a general average loss or salvage, or compensation in respect of collision between ships;

Suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject-matter does not exceed Rs. 500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on 1st of April, 1937. The common law, doctrines of equity and

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671 692 Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohamedans, Hindus, Jews and Parsees are applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

The enactments in force in the Colony on the 31st December, 1938, include sixty-three Ordinances, thirty-eight of which were enacted during the period under review, and all Indian and Bombay Acts and Regulations in force in the Colony on 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) The Chief Magistrate,

(2) The Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs. 50 has been passed. The Supreme Court has also powers of revision.

695 681 No sentence of death can be passed on a pregnant woman or a youthful offender. Save in exceptional cases, a youthful offender is dealt with—

(1) by placing him on probation, or

(2) by discharging him after due admonition, or

(3) by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or

(4) by a fine, or

(5) by whipping, or

(6) by ordering his detention.

691 There is a considerable amount of petty civil litigation in the Colony. During the period under review, 59 suits of value Rs. 1,55,304–5–2 were filed in the Supreme Court, 315 suits of value Rs. 45,061–15–9 in the Court of the Registrar and 1,525 suits of value Rs. 58,272–7–1 in the Court of Small Causes. 37, including seven of previous years' suits of value Rs. 99,827–13–0 were disposed of by the Supreme Court, 265 suits of value Rs. 31,747–5–9 by the Court of the Registrar, and 1,376 suits of value Rs. 49,439–7–7 by the Court of Small Causes. 28 applications for revision were filed and 43 appeals lodged in the Supreme Court which disposed of 28 such applications and 35 appeals. The miscellaneous proceedings in the Supreme Court included 46 applications concerning guardianship matters, 15 applications for succession certificate, and 52

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applications concerning other matters. The corresponding disposals were 45 (including three of the previous year), 15 and 48 respectively. No insolvency proceeding was before the Supreme Court. 14 estates of minors and dead persons and one estate of a lunatic were in charge of the Supreme Court. 14 divorce cases were filed in the Supreme Court, all brought by Mohamedan women. Decrees were granted in six cases, six cases were dismissed and two cases remained pending at the close of the year.

The following number of criminal cases were heard and determined in the Courts of the Magistrates during the period under review :—

Number of persons.			*Convictions.*	*Discharged or acquitted.*
Males.	*Females.*	*Total.*		
2,690	335	3,025	1,658	1,306

Six cases were committed to the Supreme Court, 5 resulting in convictions and one remained pending. The majority of criminal cases heard in the Courts of the Magistrates were for minor offences against the person, insult, affray, minor offences punishable under the Aden Settlement Regulation or the Police Ordinance, and minor traffic offences.

Offence.	*No. of cases.*
Voluntarily causing hurt	116
Assault	209
Other offences against the person	72
Theft	69
Other offences against property	69
Insult	443
Affray	368
Other offences punishable under the Indian Penal Code	97
Cruelty to Animals	20
Offences punishable under the Police Ordinance	459
Offences punishable under the Indian Motor Vehicle Act	679
Offences punishable under the Aden Settlement Regulation	371
Offences punishable under other enactments	53

The various punishments imposed during the year in respect of the convictions in the Court of the Magistrates were as follows :—

Imprisonment with or without fine	200
Whipping	27
Fine only	1,191
Bound over or otherwise dealt with	240

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Offence.	Number of cases.
691 Voluntarily causing hurt	163
Assault	159
Other offences against the person	32
Theft	57
Other offences against property	35
Insult	365
Affray	183
Other offences punishable under the Indian Penal Code ...	83
Cruelty to animals	29
Offences punishable under the Police Ordinance	390
Offences punishable under the Indian Motor Vehicles Act...	478
Offences punishable under the Aden Settlement Regulation	161
Offences punishable under other enactments	30

681 The various punishments imposed during the year in respect of the convictions in the Courts of the Magistrates were as follows:—

Imprisonment with or without fine	133
Whipping	17
Fine only	813
Bound over or otherwise dealt with	13

691 Eighty-four applications for maintenance were made in the Courts of the Magistrates. Orders for maintenance were granted in 36 cases.

691 The offences in respect of which persons were tried in the Supreme Court were:—

692 (1) Theft with 11 previous convictions;

(2) misappropriation of a postal letter while in course of transmission by post; criminal breach of trust as a public servant in respect of the said letter; and dishonestly using as genuine a receipt in respect of the said letter, knowing it to be forged.

Nine criminal appeals were lodged and 38 proceedings in revision taken in the Supreme Court. Twenty-six of such proceedings arose out of applications and twelve were taken by the Court *suo motu*. In one appeal the case was remanded for retrial, and eight appeals were dismissed. Twenty applications for revision were dismissed. As a result of one such application, sentence was enhanced; as the result of another, sentence was reduced; and in the case of four, convictions were set aside. In revisional proceedings taken by the Court *suo motu*, sentence was enhanced in six cases and varied in one case, no action being taken in the remaining cases.

693 There are five lawyers practising in the Courts of the Colony, three being Hindus, one a Mohammedan, and one a Parsee. Sanads are granted by the Supreme Court under rules made under the Supreme Courts Ordinance. Two of these lawyers are barristers-at-law and the other three have Indian legal qualifications.

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The offences in respect of which persons were tried in the Supreme Court were:

Sessions Case No.	*Accused No.*	*Nature of Charges*	*Result*
1	4	Murder under Section 302 of the Indian Penal Code.	Accused 1, 2 and 3 sentenced to death, and accused 4 acquitted. On appeal, accused 2 and 3 were acquitted, and in the case of accused 1 the conviction was altered to Section 201 of the Indian Penal Code, and sentence to 7 years rigorous imprisonment.
2	1	(1) Murder under Section 302 of the Indian Penal Code.	(1) Acquitted.
		(2) Rash or negligent act not amounting to culpable homicide under Section 304A of the Indian Penal Code.	(2) Sentenced to two years rigorous imprisonment.
3	1	(1) Culpable homicide not amounting to murder, under Section 304 of the Indian Penal Code.	(1) Charges under Sections 304 and 325 withdrawn
		(2) Grievous hurt under Section 325 of the Indian Penal Code.	(2) Sentenced to six months rigorous imprisonment for voluntarily causing hurt under Section 323 of the Indian Penal Code.
4	1	(1) Criminal breach of trust under Section 408 of the Indian Penal Code.	All charges withdrawn and accused discharged
		(2) Forgery under Section 465 of the Indian Penal Code.	
		(3) Falsification of accounts under Section 477A of the Indian Penal Code.	
5	1	(1) Voluntarily causing hurt to a public servant under Section 333 of the Indian Penal Code.	Accused acquitted on all the four charges.

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Sessions Case No.	Accused No.	Nature of Charges	Result
681 674		(2) Voluntarily causing hurt under Section 302 of the Indian Penal Code. (3) Voluntarily causing hurt under Section 332 of the Indian Penal Code. (4) Resistance or obstruction to lawful apprehension under Section 224 of the Indian Penal Code.	
6	1	Culpable homicide not amounting to murder under Section 304 of the Indian Penal Code.	Convicted and sentenced to three years rigorous imprisonment.
7	1	(1) Voluntarily causing grievous hurt under Section 326 of the Indian Penal Code. (2) Voluntarily causing hurt under Section 324 of the Indian Penal Code. (3) Voluntarily causing hurt under Section 324 of the Indian Penal Code.	(1) Convicted and sentenced to ten years rigorous imprisonment. (2) Convicted and sentenced to three years rigorous imprisonment. (3) Convicted and sentenced to three years rigorous imprisonment. Sentences to run concurrently.
8	3	Carnal intercourse against the order of nature with a man under Section 377 of the Indian Penal Code.	All accused acquitted and discharged.
9	4	Mischief causing damage under Section 427 of the Indian Penal Code.	On accuseds' application order passed in revision remitting the case for trial by the Divisional Magistrate, Tawahi.
10	2	Robbery under Section 392 of the Indian Penal Code.	No. 1 accused convicted and sentenced to four years rigorous imprisonment. No. 2 accused acquitted and discharged.

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Sessions Case No.	*Accused No.*	*Nature of Charges*	*Result*
11	1	Murder under Section 302 of the Indian Penal Code.	Convicted and sentenced to death. 674

At the beginning of 1947 one criminal appeal was pending and during the year 190 others were filed. Thirty-one appeals were allowed and the appellants acquitted or discharged. One appeal was allowed and retrial ordered. In 28 appeals convictions were sustained but the sentences altered. One hundred and seventeen appeals were dismissed and the remaining 14 were pending at the end of the year and disposed of in January, 1948. The average time taken for the disposal of a criminal appeal is about a fortnight from the filing of the memorandum. 695

Applications for revision on the criminal side totalled 56, of which 21 were dismissed. Convictions were altered but sentences confirmed in five cases. Proceedings were set aside and retrial ordered in three cases; and in 25 cases convictions and sentences were set aside. The remaining two cases were disposed of early in 1948.

In the Small Causes Court 717 suits were filed and 763 were disposed of during the period under review.

The following table contains a classified summary of the criminal cases decided in the Magistrates' Courts in the year 1947: 674

Males	*Females*	*Total*	*Convictions*	*Discharged or acquitted*
10,619	378	10,997	6,520	4,477

Seven cases involving 15 persons were committed to the Supreme Court

Offences	*No. of persons*
Offences punishable under Motor Traffic Ordinance and Rules	2,394
Voluntarily causing hurt	264
Assault	298
Other offences against the person	111
Theft	370
Other offences against property	214
Insult	248
Affray	360
Other offences punishable under the Indian Penal Code	376
Offences punishable under the Police Ordinance	1,937
Offences punishable under the Township Rules	738
Offences punishable under other laws including Port Rules	3,683
Offences punishable under the Cruelty to Animals Rules	4
TOTAL	10,997

5:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

681 The various punishments imposed during the year in respect of the convictions in the Magistrates' Courts were as follows:

Imprisonment with or without fine	928
Whipping	23
Fine only	5,513

691 Four hundred and fifty-seven applications for maintenance were made in the magistrates' Courts. In 306 cases orders for maintenance were granted, and in the remaining cases maintenance was disallowed.

692 The magistrates are required to submit monthly returns of the criminal cases decided in their courts on the same lines as in East Africa. This system has kept the Supreme Court in close touch with the current work of the Magistrates' Courts and enables due supervision to be effected. Magistrates are also required to submit to the Supreme Court for inspection the record of any case in which a sentence of corporal punishment is awarded.

REGISTRATION

617 The Registration Department is in charge of the Registrar of Documents, who is also Registrar-General of Births, Deaths and Marriages for the Colony of Aden.

693 During the year under review, His Honour the Judge of the Supreme Court was in charge of the offices referred to above.

Registration of Testamentary and Non-Testamentary Documents

The total number of documents presented during 1947 was 443.

Thirty applications for copies, searches and inspections were received, and disposed of. The number of visits paid by the Sub-Registrar to private residences was 39.

Registration of Firms

Nineteen applications for registration of firms under the Partnership Ordinance, 1939, were received.

Bills of Exchange

The total number of Bills of Exchange noted and protested under the Bills of Exchange Ordinance, 1941, was 30.

Income

651 The total income from registration documents and firms and notarial charges was Rs. 7,984.

POLICE

674 Serious crime remained about the same as in the previous year. The acid-throwing attack in August, 1947, on the Matron of the Civil Hospital,

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reported in detail under "Other Serious Crime" below, is still under active Police investigation. It was the third case of this sort in 1947. In the other cases offenders were arrested and sentenced to heavy terms of imprisonment.

The number of petty offences brought before the Courts increased. This increase was largely due to Police action in prosecuting beggars and persons causing obstructions. Thefts in the harbour increased during the first half of the year, but the energetic application of the new Port Rules began to bear fruit and a substantial drop in these offences resulted.

The question of deportations of undesirables continued to be a difficult problem for the Police, owing to the absence of effective frontier control. A large number of Yemen Arabs were deported and an almost equally large number re-deported. A number of Yemeni Jews were also deported to the Yemen by sea.

The strength of the Armed Police was maintained up to the authorised establishment of 250. Detachments of Armed Police were maintained at Kamaran and Perim.

The Civil Police strength was maintained up to establishment; health and discipline were good and the number of men who passed written examinations and thus gained proficiency pay was satisfactory.

Criminal Investigation Department

The department was in charge of a Senior Superintendent. Continuity of command could not be maintained, however, owing to leave requirements, and the department had to function under various officers. Changes had also to be effected in the clerical staff and as a result organisation was somewhat slowed down. It was possible, however, to open a C.R.O. system for criminals and deportees and it is most satisfactory to note that 285 C.R.O. files were opened during the year and 249 criminals and/or deportees photographed.

There were two cases of homicide which required supervision and assistance, and a case of inflicted grievous harm; these cases are more fully described on page 41.

Indexes continue to be built up and expanded.

For a period in December the department had virtually to close down owing to the paramount need for concentrating the whole of the available staff on the immediate task of quelling the riots.

The total number of cases registered under the Indian Penal Code was 1,233, as against 1,122 in 1946, and 1,010 in 1945; an increase of 111 cases in 1947 over 1946. A very large portion of the increase is represented by charges made before the close of the year in connection with the December riots, hence the true increase in Penal Code offences is very small indeed and it is most satisfactory that this should be so.

A total of 4,754 cases were also dealt with by Police under local ordinances and minor acts.

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No sentence of death can be passed on a pregnant woman or a person under the age of sixteen years.

A youthful offender may be dealt with:

(1) by placing him on probation, or
(2) by discharging him after due admonition, or
(3) by delivering him to his parent, guardian, or relative, who has executed a bond for his good behaviour, or
(4) by fine, or
(5) by whipping, or
(6) by ordering his detention.

There are three Magistrates including the Chief Magistrate who individually exercise the powers of a Magistrate of the first class as provided by the Criminal Courts Ordinance 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman.

An appeal lies from the Magistrate's Court to the Supreme Court in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed and the Supreme Court has also powers of revision.

During the year Rent Tribunals were set up for the assessment of the standard rent of lettings. The Tribunals are not staffed by the Judicial Department but the Supreme Court can entertain an appeal from the decision of a Tribunal.

The Courts performed their usual functions throughout the year. On the criminal side there has been an increase of cases in the Magistrates' Courts.

In addition to His Honour the Judge of the Supreme Court the Judicial Staff consisted of Mr. Nunn, Chief Magistrate and Messrs. Mansoor and Kazi, Magistrates of the first class. During the year Mr. Nunn was on leave from 2nd June, 1948, to 4th October, 1948, during which period Mr. Mansoor acted as Chief Magistrate and Judge of the Small Causes Court and Mr. Kazi continued to act as Additional Judge of the Small Causes Court.

Although there were seven professional pleaders in the Colony, in the great majority of civil cases even in the Supreme Court one or both parties appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay which could be obviated by procedural reform. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

There is a considerable amount of civil litigation in the Colony. During 1948, 459 civil suits were filed in the Supreme Court and 326 civil suits were finally decided. Six applications for civil revision were filed and all were decided. Twenty-eight civil appeals were lodged in

6 Gt. Brit., Colonial Office G-3 (1948) 1950 MMI Aden MM1

695 Applications for revision on the criminal side totalled 19, of which 10 were dismissed. In eight cases convictions and sentences were set aside and appellants acquitted. In one case the conviction was altered and sentence reduced.

674 In the Small Causes Court 896 suits were filed and 853, including 20 cases of the previous year, were disposed of during the period under review.

The following table contains a classified summary of the criminal cases decided in the Magistrate's Courts in the year 1948:

Number of Persons

Males	*Females*	*Total*	*Convictions*	*Discharged or acquitted*
11,666	722	12,388	6,804	5,584

Four cases involving six persons were committed to the Supreme Court.

Offences	*No. of persons*
Offences punishable under Motor Traffic Ordinance and Rules	3,801
Voluntarily causing hurt	242
Assault	287
Other offences against the person	603
Theft	340
Other offences against property	149
Insult	395
Affray	419
Other offences punishable under the Indian Penal Code	625
Offences punishable under the Police Ordinance	3,081
Offences punishable under the Township Rules	1,118
Offences punishable under other laws including Port Rules	1,320
Offences punishable under the Cruelty to Animals Rules	8
TOTAL	12,388

681 The various punishments imposed during the year in respect of the convictions in the Courts of the Magistrates were as follows:

Imprisonment with or without fine	1,161
Whipping	30
Fine only	4,799

691 Five hundred and sixty-one applications for maintenance were made in the Magistrates' Courts. In 320 cases orders for maintenance were granted, and in the remaining cases, maintenance was disallowed.

692 The Magistrates are required to submit monthly returns of the criminal cases decided in their courts on the same lines as in East Africa. This system has kept the Supreme Court in closer touch with the current work of the Magistrates' Courts and enables closer supervision to be

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1

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Other offences punishable under the Indian Penal Code	104	92
Offences punishable under the Police Ordinance	326	378
Offences punishable under the Township Rules and Vagrants and Undesirables Ordinance	502	462
Offences punishable under other laws including Port Rules	6,080	5,749
Offences punishable under Cruelty to Animals Rules	25	10
TOTAL ..	12,858	12,896

●681 Magistrates Courts imposed the following punishments on convicted persons :

	1949	1950
Imprisonment with or without fine	856	1,064
Whipping	24	15
Fine only	6,499	6,190
Bound over for good behaviour	4	68
Applications for maintenance allowance ..	116	338
Orders granted	68	244

693 659 The Registration Department, under the Judge, maintains the usual register of births, marriages, and deaths, testamentary and other documents, firms, trade marks, patents and designs. The Sub-Registrar performs the duties of Notary Public, Registrar of Births and Deaths, Registrar of Parsi Marriages, Registrar of Firms, Trade Marks, Patents and Designs.

POLICE

625 The Police Force numbers 777, of which 331 are Armed Police who do not perform any civil police duties. The proportion of civil police to population is 1 to 226. The Civil Police include the Harbour Police, whose duties are chiefly concerned with the protection of shipping and cargo in the extremely busy harbour of Aden.

The force was under the command of the Commissioner throughout 1949 and 1950. The Civil Police perform normal police duties covering the protection of persons and property and the prevention and detection of crime in Aden Colony and in Aden harbour. The Criminal Investigation Department is responsible for the investigation of serious crime, special branch work, immigration, the issue of passports and the deportation of undesirables and vagrants. In addition the Police undertake the registration of motor vehicles, the issue of driving licences, the control and issue of permits to public service vehicles and the licensing of arms.